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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,559	12/03/2003	Alfred Plummer	2926-115	4018

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ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON, DC 20005

EXAMINER

RAO, G NAGESH

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/725,559

Applicant(s)

PLAMMER, ALFRED

Examiner

G. Nagesh Rao

Art Unit

1722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-15 and 19-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-15 and 19-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/857,176.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Arguments

Information Disclosure Statement

1. Examiner appreciates applicant's assistance with the information disclosure statement and has taken the provided information under advisement.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
-
2. Claims 8-10, 12-14, and 19-32 rejected under 35 U.S.C. 103(a) as being unpatentable over Murasaki (EP 0580073 A2) in view of Menzin (US Patent No. 3,758,657).

Murasaki 073 teaches a method and apparatus for manufacturing a material-backed engaging member for surface fastener. As shown in figures 1 and 2 there is an extruding nozzle that reads on as a type of extruder (1), a die wheel (2) coupled with a multiplicity of molding cavities (5), rear and front pressure rollers (8a and 8b) that communicate with said die and mold cavities to form an undercut attachment on the molding strip.

The die wheel coupled with the mold cavities is able to produce an undercut attachment having a shape similar to that of a cone, whereby the molding strip is combined by a planar surfaced backing material (30) as processed through the rollers.

Murasaki 073 however lacks the specific teaching of incorporating a molding/demolding strip for removing the molded material in a non-destructive manner and the teachings of heating and cooling means for the processed material.

In a process related to production of plastic panels, Menzin 657 teaches the use of molding/demolding strips arranged over the circumference of the one roll (Figures 7, 10, and 11), and once the attachments have formed, the strips are radially moved for the nondestructive release of the formed undercut attachments of the plastic panel (Figures 10 and 11; Col 5 Lines 35-54 and Col 2 Lines 20-35).

Furthermore Menzin 657 teaches a process where the molding/demolding strips are provided movably on a substantially planer surface of a temperature controlled plate (anticipates heating and cooling device means) and interact with a corresponding counter surface (Fig 2 and Col 7 Lines 3-12).

It would be obvious to one skilled in the art to incorporate the teachings of a temperature controlled plate into the rolls in order to treat the material produced on the spot so that there would not be any material degradation and is in a desired state of shape and form.

3. It should be noted that materials worked upon in an apparatus are viewed as a recitation of intended use and bear no weight to the structural limitations of the claimed apparatus.

Claim Rejections - 35 USC § 103

4. Claims 11 and 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Murasaki (EP 0580073 A2) in view of Menzin (US Patent No. 3,758,657) in further view of Reil (US 4,196,035).

The hypothetical device of Murasaki 073 and Menzin 657 lacks the specific teaching of using a piston/cylinder arrangement in the rolls where the strips are

processed through the apparatus and the ability to form web profiles along the plastic strip.

Reil 035 teaches an apparatus for applying strips to coated web material. The apparatus is comprised of multiple pressure rollers that are used for the conveying of plastic strips and arranging of web profiles over the plastic (Column 3 Lines 57-65) through the apparatus. The pressure rollers are controlled by a regulating device, where among the elements comprised includes a pneumatic device (Figure 1 Elements 40 and 49) for aiding in driving pressure roller (Figure 1 Element 47 Also see Column 9 Lines 8-15).

It would be obvious to one skilled in the art to incorporate the pneumatic control device of Reil 035 into the hypothetical device of Murasaki 073 and Menzin 657 for the ability to control the feed rate and pressure applied onto the plastic strip as it is processed through the system.

Furthermore the apparatuses as taught in the aforementioned are capable of handling thermoplastic materials, and the claims directed towards the use of those materials within the apparatus is merely a recitation of intended use.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to G. Nagesh Rao whose telephone number is (571) 272-2946. The examiner can normally be reached on 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin Utech can be reached on (571) 272-1137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GNR

Joseph S. Del Sole 5/4/05
Joseph S. Del Sole